UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,053	09/27/1999	RICHARD L. PALINKAS	D-6394	2219

7590 06/20/2005

RAYMOND D THOMPSON
UNIROYAL CHEMICAL COMPANY INC
WORLD HEADQUARTERS
MIDDLEBURY, CT 06749

EXAMINER	
SY, MARIANO ONG	

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/407,053
Filing Date: September 27, 1999
Appellant(s): PALINKAS, RICHARD L.

Attorney Donald J. MacDonald
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 10, 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

4,566,678	Anderson	1-1986
4,465,799	Platkiewicz et al.	8-1984
5,036,774	Curtis et al.	8-1991
5,086,707	Spencer et al.	2-1992
4,527,781	Pees et al.	7-1985

5,941,351	Etnyre	8-1999
6,412,586	Askew	7-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15, 19, 20, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent Number 4,566,678).

Re-claims 15 and 24 Anderson disclosed, as shown in fig. 1-4, a compression spring assembly comprising: a first housing 60 having a bore extending through said first housing; a first load bearing member 62 coupled to said first housing and defining an abutment surface opposite to said first housing; a second housing 40 having a bore extending through said second housing, adapted to telescopically receive said first housing; a second load bearing member 42 coupled to said second housing and defining an abutment surface opposite to said second housing; and at least one compression spring 54 in the shape of a torus positioned within said first housing bore; wherein the torus shaped compression spring (fig. 2) defines an outside diameter (measured 2.375 inches) minus an inside diameter (measured 0.625 inch) equal to

1.750 inches which greater than a height (measured 1.50 inches) when positioned in the compression spring assembly.

Re-claim 19 Anderson disclosed, as shown in fig. 1-4, comprising two compression springs positioned within said first housing bore.

Re-claim 20 Anderson disclosed, as shown in fig. 1-4, further comprising a plate 58 positioned between the springs, separating the springs from one another.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3, 5, 6, 8, 10-14, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Platkiewicz et al. (US 4,465,799), in view of Curtis et al. (US 5,036,774) and in view of Spencer et al. (US 5,086,707).
Re-claims 1 and 23 Anderson disclosed, as shown in fig. 1-4, a compression spring assembly comprising: a first housing 60 having a bore extending through said first housing; a first load bearing member 62 coupled to said first housing and defining an abutment surface opposite to said first housing; a second housing 40 having a bore extending through said second housing, adapted to telescopically receive said first housing; a second load bearing member 42 coupled to said second housing and defining an abutment surface opposite to said second housing; and at least one

compression spring 54, comprising a solid resilient material, positioned within said first housing bore having a torus shape; wherein the torus shaped compression spring (fig. 2) defines an outside diameter (measured 2.375 inches) minus an inside diameter (measured 0.625 inch) equal to 1.750 inches which greater than a height (measured 1.50 inches) when positioned in the compression spring assembly.

However Anderson failed to disclose at least one slip lining positioned between said first housing exterior surface and a bore wall defining said second housing bore.

Platkiewicz et al. disclose a low friction slide lining composition and a method of producing the slide lining composition. Curtis et al. disclose a long travel side bearing for an articulated railroad car (see fig. 5 and 6 including spacers 64, 65) and Spencer et al. disclose self-adjusting constant contact side bearings for railcars (see fig. 4, including shims 100, 102).

It would have been obvious to one of ordinary skill in the art to have included a slip lining, as taught by Platkiewicz et al., between the first housing and a bore wall defining the second housing bore in order to "improve utilization of slide surfaces" (Platkiewicz et al., col. 1, lines 59-60). Curtis et al. and Spencer et al. provide further motivation to combine Anderson and Platkiewicz et al. Specially, Curtis et al. teach that it is desirous to "permit sliding of the top cap member around the sleeve member" (Curtis et al. col. 4, lines 66-68) and Spencer et al. teach that it is desirous to "automatically adjust and compensate for wear between cap and base parts" (Spencer et al. col. 1, lines 57-58).

Re-claim 3 Anderson disclosed wherein the compression spring deforms non-linearly in response to said load imposed on at least one of the first and second abutment surfaces.

Re-claims 5 and 6, see Anderson: col. 2, lines 20-21.

Re-claim 8, see Anderson: fig. 4.

Re-claims 10 and 11, see generally Platkiewicz et al. col. 3, lines 2-6 and col .1 lines 19-23.

Re-claim 12, see generally Platkiewicz et al. col. 2, line 67, "rubbing pair". Also se MPEP 2144.04. VI.B: "Duplication of Parts", specifically, "the mere duplication of parts has no patentable significance unless a new and unexpected result is produced".

Re-claim 13, see Platkiewicz et al. col. 3, line 63.

Re-claim 14, see Platkiewicz et al. col. 3, line 64.

Re-claim 17, see Anderson, fig. 4.

6. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Platkiewicz et al. (US 4,465,799), in view of Curtis et al. (US 5,036,774) and in view of Spencer et al. (US 5,086,707).

Re-claim 21 Anderson failed to disclose a first slip lining attached to said first housing exterior surface.

Platkiewicz et al. disclose a low friction slide lining composition and a method of producing the slide lining composition. Curtis et al. disclose a long travel side bearing

for an articulated railroad car (see fig. 5 and 6 including spacers 64, 65) and Spencer et al. disclose self adjusting constant contact side bearings for railcars (see fig. 4, including shims 100, 102).

It would have been obvious to one of ordinary skill in the art to have included a slip lining, as taught by Platkiewicz et al., between the first housing and a bore wall defining the second housing bore in order to "improve utilization of slide surfaces" (Platkiewicz et al., col. 1, lines 59-60). Curtis et al. and Spencer et al. provide further motivation to combine Anderson and Platkiewicz et al. Specially, Curtis et al. teach that it is desirous to "permit sliding of the top cap member around the sleeve member" (Curtis et al. col. 4, lines 66-68) and Spencer et al. teach that it is desirous to "automatically adjust and compensate for wear between cap and base parts" (Spencer et al. col. 1, lines 57-58).

Re-claim 22, see generally Platkiewicz et al. col. 2, line 67, "rubbing pair". Also se MPEP 2144.04. VI.B: "Duplication of Parts", specifically, "the mere duplication of parts has no patentable significance unless a new and unexpected result is produced".

(10) Response to Argument

A. With respect to Appellant's claim 15 on page 3 of the Appeal Brief, Appellant argued that Anderson does not disclose a compression spring in the shape of a torus. Appellant expressly adopted the "Merriam-Webster's Dictionary" definition of the word "torus" means "a surface or a solid shaped like a doughnut and formed by revolving a circle about a line in its plane without intersecting it" on page 4 of Appeal Brief.

Examiner maintains that Anderson '678 disclosed a compression spring 54 readable as in the shape of a torus, when not compressed is in the form as shown in fig. 1 and 2 that has a rectangular cross section. The shape of a torus can take different shape in cross section such as disclosed by Pees et al. (US 4,527,781) see col. 2, lines 56-59; Etnyre (US 5,941,351) see col. 10, lines 56-58; and Askew (US 6,412,586) see col. 4, lines 4-7.

On page 6 of Appellant's "Specification" and also Amendment dated June 13, 2002, page 2 recites "Referring to Fig. 2, the toroidal rings 62 ---- polyurethane. While toroid shaped have been shown and described, the present invention is not limited in this regard as other shapes, such as square, can be employed without departing from the broader aspect of the present invention".

Clearly the cross section of the shape of the torus can be of various shapes as disclosed by appellant in the specification such as the one disclosed by Anderson '678.

B. With respect to Appellant's claim 1 on page 6 of the Appeal Brief, Appellant's argument has the same reasons set forth as with claim 15.

Examiner maintains the same response to the arguments as set forth with claim 15.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

M. Sy
June 15, 2005

Conferees
D.B.
M.G.
M.S.

RAYMOND D THOMPSON
UNIROYAL CHEMICAL COMPANY INC
WORLD HEADQUARTERS
MIDDLEBURY, CT 06749

6/16/2005

MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310